

## Message Text

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44

ORIGIN EB-02

INFO OCT-01 IO-02 ISO-00 /005 R

DRAFTED BY: EB/OT:STA:WTDIROLL:MH

APPROVED BY: EB/OT:STA:WCLARK: JR

----- 090023

R 111355Z MAR 76

FM SECSTATE WASHDC

TO USMISSION GENEVA

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FOL TEL SENT ACTION USDEL MTN GENEVA FROM SECSTATE DTD 06 MAR  
1976 QUOTE

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E.O. 11652: N/A

TAGS: ETRD, GATT

SUBJECT: ITC FINDINGS ON FOOTWEAR AND OTHER PRODUCTS

REF: GENEVA 1604

1. IN MAKING THE NOTIFICATIONS REGARDING THE FINDINGS ON  
ASPARAGUS AND SLIDE FASTENERS TO THE GATT SECRETARIAT FOR  
CIRCULATION TO THE GATT CONTRACTING PARTIES, PLEASE STATE  
THAT THE PRESIDENT HAS 60 DAYS IN WHICH TO ACCEPT THE  
FINDINGS OF EITHER GROUP OF COMMISSIONERS AS THE FINDINGS  
OF THE INTERNATIONAL TRADE COMMISSION.

2. FYI- IN THE PAST, THERE HAS BEEN SOME UNCERTAINTY  
REGARDING THE APPLICABILITY OF THE 60 DAY TIME LIMIT FOR  
PRESIDENTIAL ACTION IN CASES IN WHICH THE MEMBERSHIP OF  
THE COMMISSION WAS EVENLY DIVIDED IN ITS FINDINGS. UNDER  
SECTION 330(D) OF THE TARIFF ACT OF 1930, THE PRESIDENT  
MAY ACCEPT THE FINDINGS OF EITHER GROUP OF COMMISSIONERS  
UNDER 201(B) AS THE FINDING OF THE COMMISSION OR  
HE MAY TAKE NO ACTION ON THE COMMISSION REPORT. THE PRIOR  
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UNCERTAINTY APPEARS TO HAVE ARISEN BECAUSE SECTION 330(D)

DOES NOT (NOR DID PREDECESSOR TRADE AGREEMENTS LEGISLATION EXPLICITLY STATE) SPECIFY THAT THE PRESIDENT MUST MAKE A DETERMINATION WITHIN 60 DAYS OF THE RECEIPT OF AN ITC REPORT IN WHICH THE MEMBERSHIP WAS EVENLY DIVDED IN ITS FINDINGS. THIS UNCERTAINTY HAS BEEN REMOVED BY EXPLICIT LANGUAGE IN SECTION 202(B) OF THE TRADE ACT OF 1974 WHICH REQUIRES A PRESIDENTIAL DECISION WITHIN 60 DAYS OF THE RECEIPT OF A REPORT AND READS AS FOLLOWS: QUOTE WITHIN 60 DAYS (30 DAYS IN THE CASE OF A SUPPLEMENTAL REPORT UNDER SUBSECTION (D) AFTER RECEIVING A REPORT FROM THE COMMISSION CONTAINING AN AFFIRMATIVE FINDING UNDER SECTION 201(B) (OR A FINDING UNDER SECTION 201(B) WHICH HE CONSIDERS TO BE AN AFFIRMATIVE FINDING BY REASON OF SECTION 330(D) OF THE TARIFF ACT OF 1930, WITHIN SUCH 60 DAY (OR 30 DAY PERIOD), THE PRESIDENT SHALL.....END QUOTE. END FYI. KISSINGER UNQTE INGERSOLL

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** POLICIES, FOOTWEAR, TARIFF LAW, EXPORT CONTROLS  
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**Draft Date:** 11 MAR 1976  
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**Disposition Approved on Date:**  
**Disposition Authority:** saccheem  
**Disposition Case Number:** n/a  
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**Disposition Date:** 28 MAY 2004  
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**To:** GENEVA  
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